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2292	7590	10/08/2008	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			ADAMS, TASHIANA R	
PO BOX 747				
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			3611	
			NOTIFICATION DATE	DELIVERY MODE
			10/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/574,270	TIMONEY ET AL.	
	Examiner	Art Unit	
	TASHIANA ADAMS	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 January 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-69 is/are pending in the application.
 4a) Of the above claim(s) 1-47 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 48-69 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 31 March 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/31/06 & 6/7/07</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “sensing means” mentioned in claim 60, the “control means” mentioned in claim 60 and the “motion control system” mentioned in claim 63 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-2, 58, 68 are rejected under 35 U.S.C. 102(b) as being anticipated by Kingston (US Pg. Pub 2003/0001426).** Kingston discloses an articulated dump truck vehicle (See fig. 1), including: a front tractor part(2) connected to an associated rear trailer part(3) by means of an articulated coupling(4) which is mounted between a rear end of the tractor part and a front end of the trailer part(See Fig. 1), said articulated coupling being operable to allow the front tractor part and the rear trailer part to rotate relative to each other about a first vertical axis(See Fig. 2), with steering means for turning the front tractor part relative to the rear trailer part about said first vertical axis for steering the vehicle(See Fig. 2), and said articulated coupling also allowing the front tractor part and the rear trailer part to rotate relative to each other about a second longitudinal axis of the vehicle(See Fig. 2), the front tractor part having a front chassis(See Fig. 1), a pair of front wheels being mounted by a front suspension assembly on the front chassis(20a,20b), a prime mover mounted on said front tractor part and driveably connected to at least one pair of wheels on the vehicle(See Fig. 1), a vehicle driving station on said front tractor part with controls for vehicle drive and steering(See Fig. 1), the rear trailer part having a rear chassis(See Fig. 1), at least two pairs of rear wheels mounted by a rear suspension assembly on the rear

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chassis(14a,14b,15a,15b), a tipping container(5) pivotally mounted on said rear trailer part with means for moving said tipping container on the rear chassis between a normally lowered load carrying position on the rear chassis and an inclined load tipping position on the rear chassis(See Specification Para 0024) characterised in that the front suspension assembly includes an independent suspension system for mounting the pair of front wheels on the front chassis of the front tractor part(See Figs. 1&3)

4. With respect to claim 2, said front suspension assembly is an independent suspension module mounted on the front chassis(See Figs. 1&3)

5. With respect to claim 58, said tipping load container does not extend substantially over the steer axis so that the centre of gravity of the loaded container is normally between the axis of rotation of the rear wheels or slightly in front of the axle closest to the steer axis(See Fig. 1)

6. With respect to claim 68, Kingston discloses an articulated dump truck vehicle (See fig. 1), including: a front tractor part(2) connected to an associated rear trailer part(3) by means of an articulated coupling(4) which is mounted between a rear end of the tractor part and a front end of the trailer part(See Fig. 1), said articulated coupling being operable to allow the front tractor part and the rear trailer part to rotate relative to each other about a first vertical axis(See Fig. 2), with steering means for turning the front tractor part relative to the rear trailer part about said first vertical axis for steering the vehicle(See Fig. 2), and said articulated coupling also allowing the front tractor part and the rear trailer part to rotate relative to each other about a second longitudinal axis of the vehicle(See Fig. 2), the front tractor part having a front chassis(See Fig. 1), a pair

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of front wheels being mounted by a front suspension assembly on the front chassis(20a,20b), a prime mover mounted on said front tractor part and driveably connected to at least one pair of wheels on the vehicle(See Fig. 1), a vehicle driving station on said front tractor part with controls for vehicle drive and steering(See Fig. 1), the rear trailer part having a rear chassis(See Fig. 1), at least two pairs of rear wheels mounted by a rear suspension assembly on the rear chassis(14a,14b,15a,15b), a tipping container(5) pivotally mounted on said rear trailer part with means for moving said tipping container on the rear chassis between a normally lowered load carrying position on the rear chassis and an inclined load tipping position on the rear chassis(See Specification Para 0024) characterised in that the front suspension assembly includes an independent suspension system for mounting the pair of front wheels on the front chassis of the front tractor part(See Figs. 1&3) said front suspension assembly being an independent suspension module mounted on the front chassis(See Figs. 1&3)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 50-57, 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kingston (US Pg. Pub 2003/0001426) in view of Schmitz et al. (US Patent 6,105,984).** Kingston discloses the articulated dump truck set forth above, but does not

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disclose wherein said independent suspension module includes an axle housing with means for attachment to the front chassis, the two front wheels being pivotally mounted at opposite sides of said axle housing for vertical movement, each front wheel being mounted by one or more suspension arms on the axle housing, each suspension arm being pivotally connected to the axle housing and to a wheel carrier on which the front wheel is rotatably mounted to allow vertical movement of the wheel on the axle housing, and spring means mounted between a suspension arm or the wheel carrier and the front chassis to resist vertical wheel movement. Schmitz et al. discloses wherein said independent suspension module includes an axle housing with means for attachment to the front chassis(See Figs. 2-3), the two front wheels being pivotally mounted at opposite sides of said axle housing for vertical movement(See Figs. 2-3), each front wheel being mounted by one or more suspension arms on the axle housing(See Figs. 2-3), each suspension arm being pivotally connected to the axle housing and to a wheel carrier on which the front wheel is rotatably mounted to allow vertical movement of the wheel on the axle housing(See Figs. 2-3), and spring means mounted between a suspension arm or the wheel carrier and the front chassis to resist vertical wheel movement(See Figs. 2-3). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the independent suspension system of Schmitz et al. to the articulated dump truck vehicle of Kingston. The motivation for doing so would have been to limit displacement impact between the tractor and trailer when overcoming obstacles.

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9. With respect to claim 51/53, Schmitz et al. discloses wherein a pair of suspension arms are provided(See Fig. 2), namely an upper suspension arm(34) and a lower suspension arm(35) which are vertically spaced-apart, each of the upper suspension arm and lower suspension arm having an inner end and an outer end(See Fig. 2), the inner end of each suspension arm being pivotally connected to the axle housing and the other end of each suspension arm being pivotally connected to the wheel carrier(See Fig. 2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the independent suspension system of Schmitz et al. to the articulated dump truck vehicle of Kingston. The motivation for doing so would have been to limit displacement impact between the tractor and trailer when overcoming obstacles.

10. With respect to claim 52, Schmitz et al. discloses wherein the front suspension assembly includes a suspension unit for each front wheel (See Fig. 2), said suspension unit having one or more suspension arms(See Fig. 2), each suspension arm being pivotally connected to the front chassis and to a wheel carrier on which the front wheel is rotatably mounted to allow vertical movement of the front wheel on the front chassis(See Fig. 2), and spring means mounted between a suspension arm or the wheel carrier and the front chassis to resist vertical wheel movement(See Fig. 2). At the time of the invention it would have been obvious to one of ordinary skill in the art to include the front suspension assembly of Schmitz et al. to the vehicle of Kingston. The motivation for doing so would have been to provide additional control of the vehicle with going over different terrains.

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11. With respect to claim 54, Schmitz et al. discloses wherein the spring means includes a coil spring and associated damper housed within the spring and mounted between a lower mounting bracket and an upper mounting plate, the lower mounting bracket having a spring holder with downwardly extending forked arms which engage the lower control arm by means of a pivot pin, the upper mounting plate being secured by bolts to the front chassis (See Fig. 2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the spring means of Schmitz et al. in the vehicle of Kingston. The motivation for doing so would have been to provide an suspension system for use on all terrains.

12. With respect to claim 55, the combination of Kingstion and Schmitz et al. discloses wherein the top of the axle housing is bolted to an underside of the front chassis(See Kingston Fig. 1)

13. With respect to claim 56, Schmitz et al. discloses wherein the front chassis includes a pair of spaced-apart longitudinal members interconnected by cross members (See Fig. 3), the axle housing being bolted to an underside of cross members between the longitudinal members(See Fig. 3). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include spaced-apart longitudinal members to the vehicle of Kingston in view of the teachings of Schmitz et al. The motivation for doing so would have been to provide additional attachment security of the suspension to the chassis.

14. With respect to claim 57, Schmitz et al. discloses wherein pivot pins are provided at each end of the suspension arms which rotatably engage in complementary pivot

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blocks mounted on the wheel carrier, on the axle housing or on the front chassis(See Fig. 2), the upper suspension arm being I-shaped having a pair of laterally extending pivot pins at each end which project forwardly and rearwardly of the upper suspension arm to rotatably engage the pivot blocks, the lower suspension arm being of wishbone construction and has a pair of laterally extending pivot pins at an outer end which project forwardly and rearwardly of the lower suspension arm to rotatably engage associated pivot blocks on the wheel carrier, inwardly extending fork arms of the lower suspension arm each having at their inner end a laterally extending pivot pin which rotatably engages an associated pivot block on the axle housing or front chassis(See Fig. 2) At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the pivots of Schmitz et al. the vehicle of Kingston. The motivation for doing so would have been to provide a more flexible frame.

15. With respect to claim 69, Kingston discloses an articulated dump truck vehicle (See fig. 1), including: a front tractor part(2) connected to an associated rear trailer part(3) by means of an articulated coupling(4) which is mounted between a rear end of the tractor part and a front end of the trailer part(See Fig. 1), said articulated coupling being operable to allow the front tractor part and the rear trailer part to rotate relative to each other about a first vertical axis(See Fig. 2), with steering means for turning the front tractor part relative to the rear trailer part about said first vertical axis for steering the vehicle(See Fig. 2), and said articulated coupling also allowing the front tractor part and the rear trailer part to rotate relative to each other about a second longitudinal axis of the vehicle(See Fig. 2), the front tractor part having a front chassis(See Fig. 1), a pair

of front wheels being mounted by a front suspension assembly on the front chassis(20a,20b), a prime mover mounted on said front tractor part and driveably connected to at least one pair of wheels on the vehicle(See Fig. 1), a vehicle driving station on said front tractor part with controls for vehicle drive and steering(See Fig. 1), the rear trailer part having a rear chassis(See Fig. 1), at least two pairs of rear wheels mounted by a rear suspension assembly on the rear chassis(14a,14b,15a,15b), a tipping container(5) pivotally mounted on said rear trailer part with means for moving said tipping container on the rear chassis between a normally lowered load carrying position on the rear chassis and an inclined load tipping position on the rear chassis(See Specification Para 0024), the front suspension assembly including an independent suspension system for mounting the pair of front wheels on the front chassis of the front tractor part(See Fig. 1). Schmitz et al. discloses the front suspension assembly includes a suspension unit for each wheel(See Figs. 2-3), said suspension unit having a pair of suspension arms(See Fig. 2), each suspension arm being pivotally connected to the front chassis and to a wheel carrier on which the front wheel is rotatably mounted to allow vertical movement of the front wheel on the front chassis(See Fig. 2), and spring means mounted between a suspension arm or the wheel carrier and the front chassis to resist vertical wheel movement(See Figs. 2-3), the suspension arms comprising, namely an upper suspension arm(34) and a lower suspension arm(35) which are vertically spaced-apart, each of the upper suspension arm and lower suspension arm having an inner end and an outer end(See Fig. 2), the inner end of each suspension arm being pivotally connected to the axle housing and the

other end of each suspension arm being pivotally connected to the wheel carrier(See Fig. 2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the independent suspension system of Schmitz et al. to the articulated dump truck vehicle of Kingston. The motivation for doing so would have been to limit displacement impact between the tractor and trailer when overcoming obstacles.

16. Claims 59-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kingston (US Pg. Pub 2003/0001426) in view of Barron (US Patent 7, 226,056). Kingston discloses the articulated dump truck set forth above, but does not disclose an anti-roll bar is fitted to the front independent suspension. Barron discloses the use of an anti-roll bar (38, 40) on a front independent suspension. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include an ant-roll bar on the articulated dump truck of Kingston, in view of the teachings of Barron. The motivation for doing so would be to provide a device that would prohibit the rolling of the vehicle when the load weight changes or redistributes.

17. With respect to claim 60 & 63, Barron discloses sensing means to measure one or more of the vehicle speed (72) and the steer angles (76) of the front wheels and of the articulation joint and control means (70) to apportion steering action between the said front wheels and the articulation joint and a motion control system(70) having means for controlling operation of the vehicle suspension system in response to pitch, roll or yaw movement of the vehicle, wherein said means controls operation of the tractor system in response to pitch, roll or yaw movement of the vehicle(See Figs. 1-2, 11-12). At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to include a sensing means, control means, and a motion control system on the articulated dump truck of Kingston, in view of the teachings of Barron. The motivation for doing so would be to provide additional control and stability of the vehicle.

18. With respect to claims 61-62, Barron discloses means for locking articulation around the vertical steering axis (21) and means for locking the wheel steering. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a means for locking articulation around the vertical steering axis and means for locking the wheel steering on the articulated dump truck of Kingston, in view of the teachings of Barron. The motivation for doing so would be to provide additional control and stability of the vehicle.

19. With respect to claims 64-67, Barron discloses having a roll control system(See Figs. 11-12) which includes means for stiffening the suspension in direct proportion to the amount of roll(Examiner notes that this is an inherent feature of a anti-roll bar)[**claim 65**] means for locking the suspension when a preset roll angle is reached(See Figs. 1-2, 11-12)[**claim 66**] a roll control system which includes means for controlling the operation of the suspension system in response to the sense turn angle between the tractor and trailer(See Figs. 1-2, 11-12)[**claim 67**] wherein the roll control system includes means for sensing turning of the tractor unit relative to the trailer unit and suspension locking means operably connected to the sensing means to lock the suspension when a preset turn angle is reached, and release the suspension for normal operation below said preset turn angle(See Figs. 1-2, 11-12) At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a

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roll control system, means for locking the suspension, means for controlling operation of the suspension system, and means for sensing turning on the articulated dump truck of Kingston, in view of the teachings of Barron. The motivation for doing so would be to provide additional control and stability of the vehicle.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All of the prior art made of record is regarded as being in the same field of endeavor as the applicants invention, and to contain similar structural elements even though they were not used for the basis of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TASHIANA ADAMS whose telephone number is (571)270-5228. The examiner can normally be reached on Monday - Thursday 6:30 AM - 5:00 PM (Every Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TASHIANA ADAMS/
Examiner, Art Unit 3611

/Paul N. Dickson/
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